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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/691,010      | 10/21/2003  | Carl Cheung Tung Kong | KONG-43932          | 5675             |

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EXAMINER

COMAS, YAHVEH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/691,010

Applicant(s)

TUNG KONG ET AL.

Examiner

Yahveh Comas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 3,4,8-11 and 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12 and 13-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant disclose that the "electrical generator is coupled to the motor". However, specification doesn't disclose why the generator that is mechanical connected to the motor that produces the mechanical energy for this generator to start working and produce electricity are going to be connected as a feedback to the motor. Is unclear the purpose of this connection.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A variable power source is indefinite since is not

clear if the applicant means that can be a dc power source and an alternative power source or the magnitude voltage or current is variable

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-2, 5-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dombrovski et al. U.S. Patent No. 6,054,788 in view of Agarwal et al. U.S. Patent No. 3,323,032, in further view of Lamb U.S. Patent No. 5,880,548 and in further view of Gervasio et al. U.S. Patent No. 4,556,801.

Dombrovski, disclose an electric motor coupled to a power source, a coupling connected to an output shaft of the motor, and a gear assembly connected to the coupling. The drawing show an motor that is inherent connected to a power source, also is well know in the art that a motor is a device that convert any form of energy into mechanical energy, especially an arrangement of coils and magnets that convert electric current into mechanical power. Dombrovski discloses the claimed invention except for the followings:

- A variable power source
- A variable coupling
- A switching mechanism for adjusting the variable coupling
- An electric generator connected to a gear assembly

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However, Agarwal discloses a voltage-switching device used in a variable speed drive system for generating a plurality of differing voltage levels for controlling the performance of an AC motor.

However Lamb discloses an adjustable magnetic coupler wherein the air gap is adjustable by the use of a motor (63) which move the permanent magnet creating an air gap in order to achieve a constant load speed at various load torque.

However, Gervasio discloses a first gear rotatably engaged to a second gear and the second gear rotatably engaged to a third gear having a larger diameter than the second gear, the third gear operable connected with the electric generator (4) connected with the electric generator.

However, Mercer discloses the use of different diameters in order to provide different angular velocity due to the variation between the diameters.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to made the transmission ratio from the first gear to the third gear at least 100 to 1, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233

It would have been obvious to one having skill in the art at the time the invention was made to Dombrovski's invention to use a gear reduction with a first gear connected to a output shaft, a second gear of smaller diameter being engaged with a third gear having a lager diameter than the second gear and said third gear connected to a gear of the electrical generator having a smaller diameter than the third gear for the purpose of

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providing provide different angular velocity as disclosed by Gervasio in view of Mercer, voltage-switching device for generating a plurality of differing voltage levels for controlling the performance of an AC motor as disclosed by Agarwal and an adjustable magnetic coupler order to achieve a constant load speed at various load torque as disclosed by Lamb.

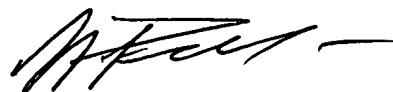
***Allowable Subject Matter***

Claims 3-4, 8-11, 15-16 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571) 272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Nicholas Ponomarenko  
Primary Examiner  
Technology Center 2800

3/21/05

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC



**Nicholas Ponomarenko**  
**Primary Examiner**  
**Technology Center 2800**

3/21/05